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INTRODUCTIONS

The meeting began with a circle of introductions and the opportunity for participants to say a few words about their involvement with Environmental Justice, as captured below:

- Lauren Buffaloe, CBDA science program.
- Mike Chapel, US Forest Service. Mike made a presentation on EJ to the California Biodiversity Council.
- Henry Clark, West County Toxics Coalition. The Coalition was founded in Richmond and has been making a difference for 21 years. Henry was the drafting sub-committee co-chair for the Cal EPA EJ committee and is involved with the climate change initiative.
- Linda Cole is representing the interest of Northern California communities in groundwater that will be re-operated for water supplies through transfers. No infrastructure exists for surface water supplies to be redirected to groundwater users.
- Alisha Deen, EJ Coalition for Water
- Martha Guzman, EJSC co-chair; EJ Coalition for Water. Martha wants to see a work product for discussing and moving forward on performance measures.
- Peter Jacobsen: Metropolitan Water District

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- Samira Jones, California Department of Health Services, Environmental Health Investigations Branch.
- Eugenia Laychak, CBDA adviser for BDPAC.
- Barbara Maco: EPA and EJ group; previously Barbara was an air quality officer for Sacramento.
- Ken McGhee: EJSC coordinator.
- Ernie Merrifield: Round Valley Reservation.
- John Ohlson
- Michiyo Sakamoto: DPLA, DWR. Michiyo is the EJ coordinator for surface storage programs and is looking at EJ issues relating to the EIR/EIS for North of delta off-stream storage.
- Ken Trott: CBDA Working Landscapes subcommittee
- Michael Warburton: Public Trust Alliance, EJ Coalition for Water. A key concern for Michael is that public agencies treat the public like customers, when they are really beneficiaries of a trust. When agencies use a customer model in relating to the public, agencies are presented as in control rather than being presented as accountable to public interests.
- Dan Wermeil: CBDA

ANNOUNCMENTS

- ☐ The California Biodiversity Council met last week to think about transitions; staff currently don't know who the chairs and co-chairs will be.
- □ The US EPA has a new EJ screening tool: the geographic assessment kit. Also, EPA is developing a national framework for EJ. Note: Some items on the Toxic Release Data Inventory have been cleared for release.

WATER TRANSFERS SURVEY REPORT

Background and Status Report

Early in 2003, there was a proposal for an initial Water Transfers Survey. Conducted by CH2MHill, the survey would look at third party impacts associated with short-term, one-year transfers. Identified as an EJ issue, the survey proposal was presented to the EJ sub-committee in March. The survey was completed in September and a final presentation was made to the Water Supply sub-committee by Richard Hun, the Water Transfers program manager who coordinated the drafting of the survey report. [Note: the Water Transfers program manager position is currently not filled.]

The sense is that the presentation did not convey important EJ issues. Also, some members of the Water Supply sub-committee wondered if the survey questions themselves might be misleading. Since the survey was a document from this sub-committee, what are the next steps to pursue?

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Discussion

<u>Comment:</u> Program managers of this and water supply sub-committee should meet to discuss the survey and proposed next steps for action on that document. There are other program elements, in addition to EJ, that need further discussion regarding water transfers.

<u>Comment:</u> It seems that the different stakeholders involved on the issue are talking past each other. The Water Supply had good presentations about what water transfers are. Some of their members have been involved in initiating transfers, as both suppliers and receivers. We need good presentations from people that are involved, such as Jerry Johns (DWR), State Water Resources Control Board (SWRCB), and source counties (both irrigation districts and impacted interests).

In talking past each other, some don't believe that there's much of an impact; there's a poor understanding of interests and concerns. It's important to understand what water transfers are, from different perspectives, and what the impacts are. We need to clearly identify the issues and problems, through a joint process of fact-finding. It's too easy to disregard recommendations when just one sub-committee is doing this on their own. If Eugenia can facilitate, would set up meeting with Water Supply sub-committee chairs. This is an initial step.

<u>Comment:</u> Not all water transfers require permits. In Northern California there are pre-1914 water rights that are not regulated by the SWRCB. Historically, water transfer decisions look at research on surface water or overdrafted groundwater aquifers (where recharge storage exists). In Northern California, transfers deplete aquifers. Decisions about transfers in these situations should be based on research about consequences to a common aquifer that is shard by multiple districts. Have a briefing on the science of this, Toccoy Dudley (DWR, Northern District) just released a report on new aquifer research.

Also, local oversight needed to take care of EJ issues is not playing out. There are not enough funds to even set up an administrative process to review transfer proposals. Local representatives (e.g. county supervisory) need to be a part of this discussion as well, including those responsible for reviews and mitigation plans.

<u>Comment:</u> Water transfers provide EJ benefits to receiving communities that might outweigh adverse impacts in sending areas. Both urban and rural interests need to be represented. Many communities in the Central Valley benefit from water transfers. Cities can provide someone to speak about that.

<u>Comment:</u> After the meeting with Water Supply, hold a series of workshops (sponsored jointly by the EJ and Water Supply sub-committees or by EJSC alone). These forums could bring in legal, bureaucratic or resource considerations. Topics might include water supply reliability (Sergio and Tom Gohring), as well as the roles of DWR and SWRCB in terms of oversight and coordination.

Question: Does surface supply deal with water transfers?

<u>Response</u>: Surface supply involves aspects of storage, conveyance and water transfers; there is a need to coordinate with Water Use Efficiency.

Question: What's the accountability mechanism?

Response: The effort would be to enhance coordination and provide advice and fact-finding. As

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one of the eight subcommittees, we would gather information on this particular topics. Resulting recommendations would be forwarded to the BDPAC, who would forward those onto others.

<u>Comment:</u> Water transfer currently represent the State buying back its own water. This is a fundamental problem in the presentation and discussion. Water is the property of the people of this State. DWR is a public trustee that holds the public interest. When the price of water increases, how much belongs to the people v. the holder of the water rights? That's an EJ issue. People from poor communities have just as much interest in water as wealthy communities.

Next Steps

- a. Identify who would continue the work of the Water Transfers program manager (perhaps Sergio, who else?). Set up a meeting of the co-chairs for the EJ and Water Supply sub-committees, the acting Water Transfers program managers and respective program managers (e.g. Steve Roberts, as program manager for Storage, would have input on conveyance issues).
- b. Check with Rich Juricich, who is talking about having a meeting with Jerry Johns on water transfers and EJ issues.
- c. Obtain third party impact documents (e.g. documents from Machado hearings on water transfers; report from Ellen Hanak of the California Policy Institute). [Note: There was a comment that the CPI report provides minimal mention the Owens Valley transfer.]
- d. Set up presentations / workshops on water transfers, include topics such as: what constitutes a water transfer; and interests and concerns from different perspectives (including local government).

DRAFT FRAMEWORK FOR EJ ACTIVITY WITHIN CBDA

Background

The Drinking Water sub-committee spent a year creating a framework document to make sure that important issues are dealt with and covered throughout other water program elements. The 15 page document moved through each program element and area of concern, providing detailed mitigation strategies. The Drinking Water framework utilizes a strong policy orientation in its analyses.

At their September meeting, members of the Bay-Delta Public Advisory Committee approved the document and strongly encouraged other sub-committees to develop similar frameworks. On the next day, the document was introduced to the BDA. The members of the Authority did not move the item, due to a few reservations: degree of involvement from agricultural interests in the deliberation process; and the need for additional time to review the information presented. The Drinking Water sub-committee intended to bring in agricultural perspectives, which is happening now as membership is expanded. The sub-committee is moving forward with their framework as the basis for the Drinking Water program.

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Using the Drinking Water Framework as a model, a draft model of an EJ Framework was developed for discussion purposes. This draft version outlines the need for EJ analysis of Bay-Delta actions and programs.

Discussion

Question: Since this was not approved by the CBDA, should we use a different model?

Response: The Drinking Water Framework was introduced at the second meeting of the Authority. This illustrates the need for adequate preparation. When moving forward with something this comprehensive, a background presentation is often required before approval. This might involve introducing a written piece and spending a couple of minutes to review it. Discussions with agency representatives is another important aspect. BDPAC spurred conversation between stakeholders and agencies at sub-committee level.

Authority members also want to see the context of how materials were developed and who was involved. The Drinking Water sub-committee will be talking to the new agricultural members and working with agencies to develop next steps. If you develop policy on the framework, what do you need to do. If the framework is enough of a policy, develop some initial actions to test the approach. What do you do beyond this and what are the next steps.

<u>Comment:</u> Water supply is very policy oriented; a lot of time is spent on model and priorities. If not tied to specific tasks, policy can be subjective and interpreted in different ways. The same types of things haven't been done in developing policy for EJ.

A good aspect of the Drinking Water Framework is its presentation to the Authority and providing a measurable tool for evaluating the different program areas in terms of the subject. It contained a work plan that covered three years, some have occurred – others have not. We need a work plan in an action item format and then need to accomplish the work plan. What are real performance measures for the next year? That can be taken to the Authority and needs to be approved as soon as possible. We need something confirmed at the highest level and sent down to the program managers.

<u>Question:</u> How does this relate to Goals and Objectives? What blends together for this as a tool to provide direction on performance measures?

<u>Response:</u> The framework provides a larger context by identifying key areas and issues of concern, which would provide guidance and enhance consistency in assessing CBDA program elements and in developing future EJ sub-committee priorities. Creating a consistent membership for this sub-committee, providing an interest-based and regional focus, would tie into this.

<u>Comment:</u> The framework may not be what we should present to the Authority. We're not doing policy yet. Start to work on the workplan and getting that into a specific action item format, with the ability to set timelines.

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DRAFT 2003 – 2004 EJ WORK PLAN

Overview

Ken McGhee explained that the latest draft of the 2003 – 2004 Work Plan and Budget Framework contains new language, highlighted by *italicized text*. Additional text was included for the goal, defining the Implementation Principle for Environmental Justice. Also, new dates were added to the timeline. Some dates are linked to CBDA or BDPAC meetings, others represent annual items. Dates should be reviewed for accuracy and to assure that they make sense. Timeline dates were not identified for program plan items that can't be worked on in foreseeable future. Martha Guzman noted that any specific tasks to be addressed within a time-specific frame, should be identified now. Martha opened the discussion on the work plan, asking for comments or questions regarding the format, dates or strategies.

Discussion

General Comments

- a. We need a format to getting answers to our questions. This helps structure the tasks that we need to move on, for both the coordinator and the sub-committee.
- b. Add a column for "Status or Update" and review every month. This creates a format to assure continual progress on action. Are there other ideas for building in accountability?
- c. With limited resources, it's critical to set priorities. Priorities were discussed back in June.; incorporate that information into this document.
- d. Maybe add a column, explaining how each item was accomplished. That's accountability for sure. That column would identify who has lead responsibility and a status update of what's happened. (When printing out the document, hide the budget items so it all fits on one page.)

Objective #1

a. 1f: **Change the lead to the "coordinator.**" This might not be a priority right now and will require some guidance, in terms of having the right context or contacts.

<u>Question:</u> Is the Working Landscape sub-committee going to get into granting? <u>Response:</u> They will be targeting part of the funds from Prop 50, that's the recommendation to the Environmental Restoration program.

<u>Question</u>: If the EJSC wants to issues PSPs, what would that require? Would that be part of a long-term funding plan?

<u>Action item:</u> Raise the issue with the Funding Committee. Tuesday, November 14th is their first meeting.

b. 1g: Change the date to "November – December 2004."

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<u>Comment:</u> An internal funding request will be made at the program managers meeting on November 24th, asking for some basic funding levels that will assist the EJSC in its activities. The meeting on the 24th should provide some sense of likelihood for funding.

<u>Note of clarification</u>: There is a separate funding process associated with the programmatic EIR and EIS, including the goals and objectives for each of the program elements.

<u>Question:</u> Who are you requesting funds from: implementing agencies or BDA funds? <u>Response:</u> BDA funds that are already in the sub-committee budgets. The request is for a small piece of each of the existing program budgets.

Objective #2

a. 2b, 2c: Change the date to "February – May."

<u>Comment:</u> Programs are developing these plans in February – May; we don't want to be reviewing finalized plans.

b. 2d: Make the timeline date "January 2004;" then "February - May" in the future.

<u>Comment:</u> We need to identify what we want to accomplish for this fiscal year. This should be a working document for us. This follows up on the program plan that was approved by the Authority in August. Performance measures should go back to the Authority as an enforceability aspect. What we need to do for this year, we need to decide as a subcommittee. Future performance measures needed to be incorporated into program plans, which then get acted on by the BDPAC for recommendations.

Action item: Bring performance measures back for approval at next meeting.

c. 2e: Make the timeline date "February – May."

Comment: This falls into line with 2d; it's a mute point for the current year.

<u>Question:</u> Is this fact-finding, to go to Program managers and look through plans for EJ projects? In the annual report, where did these projects take place? <u>Response:</u> The Environmental Restoration program is perceived as not funding EJ projects.

Objective #3

Item 3a: Make the timeline date "ongoing."

<u>Comment:</u> Item 3a is done, but also ongoing. The matter of EJ representation needs to be kept in mind, as representation changes on CBDA and BDPAC sub-committees. Perhaps that representation should be strengthened, some EJ representatives don't attend meetings.

<u>Question</u>: Where is there a printout of sub-committees and membership?

<u>Response</u>: Sub-committees with designated memberships are posted at <u>www.calwater.ca.gov</u>

Paula Daniels is on CBDA.

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Question: Will there be an additional co-chair for the EJSC?

Response: That's being worked on and is related to the matter of membership, which requires the charter to be finalized. Co-chairs need to come from the list of 20 - 30 members who are on the BDPAC; there might be some changes on BDPAC composition. A list of potential nominees is being developed.

Objective #4

Note: Item 4b was previously approved as a strategy. Additional text was included to provide clarification.

Objective #5

The timeline date for item 5e should remain as is, since it relates to the fiscal year.

Objective #6

a. 6d: Make the timeline date "January – June 2004."

Change goal to say: "... impacts of land retirement on **under-represented** EJ communities in CBDA solution area." (**strike** "of color")

<u>Comment:</u> Land retirement is a specific EJ project for the Environmental Restoration program, which could start to take place between now and June.

b. 6e: Make the timeline date "December 2003 – June 2004."

Change goal to say: "... impacts of water transfers on **under-represented** EJ communities in CBDA solution area." (**strike** "of color")

Comment: This is being initiated now.

c. 6j: Make the timeline date "January - March 2004."

<u>Question:</u> What do we need to do to address obstacles related to non-reimbursable funding? Response: There are two parts: assess by January and address by March.

<u>Comment:</u> There's also middle ground on this. 25% of the award can be provided up front. Some program areas know that, but not all do.

d. 6k: Make the timeline date "January 2004" for the sub-task of "define technical assistance."

<u>Comment:</u> Developing ways to provide communities with technical assistance may need to occur on a program-by-program basis.

Question: What does technical assistance mean?

Comment: Helping to develop the proposal, helping link ideas to proposal criteria.

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<u>Comment:</u> "For the Sake of Salmon" did a presentation at a Watershed sub-committee meeting. Other groups, including Water Use Efficiency groups, have assisted in getting out self-help information. CALFED dedicated funding to those types of group, using a two-tiered granting approach: smaller grants were available for ideas that needed to be more fully developed. The topic also comes up in the watershed meetings. Is that where some of this work can be done? There are folks trying to make grants more efficient for EJ communities.

<u>Action item:</u> Define technical assistance: what types of technical assistance and the potential role for the EJSC (e.g. bridging partnerships).

e. 6m: "Identify five EJ related projects for each Program Element."

<u>Clarification:</u> The Environmental Restoration Program is conducting a mercury analysis. It's not really a funded project; it's more of a program element activity. Say, "... EJ related projects or activities..."

<u>Comment:</u> Does this ask us to review each Program and identify five existing EJ projects <u>OR</u> does this ask us to suggest types of EJ projects or activities.

Comment: This committee needs to be more than evaluative, we need to be suggestive.

Question: How is this different from objective 2e? (i.e. "Ensure that each CBDA subcommittee / Program Element has an EJ Project.") Should this be expanded to identify **three** EJ Projects or Activities?

<u>Clarification:</u> Sub-committees and program elements don't necessarily overlap. Subcommittees are not be involved in selecting projects; they are involved in approval and criteria for competitive bid projects. Suggestions can be made regarding examples of EJ aspects that could be addressed. These could be built into project criteria. Example: How are benefits equitably distributed in the watershed? This is a criteria.

Subcommittees can identify, but not recommend, projects. They can provide examples of how to better incorporate EJ in projects and activities. Subcommittees recommend actions on other non-competitive bid projects. In the Ecosystem Restoration Program, a project was funded through Surface Storage for Friant. There are projects that need improvement. This process needs to provide tools and recommendations on how to do that.

<u>Summary</u> The desire is to find a way to integrate EJ into sub-committees and program elements. EJ is starting from behind, others often don't understand potential EJ impacts. Various tasks include the following:

- a. Identify and summarize EJ projects.
- b. Assess program elements.
- c. Review projects for assess for how they currently, or could better, address EJ. [Note: Some programs not aware that there are projects that could provide EJ benefits. If projects are not addressing an EJ need, identifying the approach or activity to address that need. Examples include: assessing community impacts from Friant; and addressing community needs in the marsh outside of Richmond.]

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Action Item: Ken will re-phrase this objective for the next meeting.

Next Steps

- a. Ken will incorporate text changes.
- b. Define technical assistance: what types of technical assistance and the potential role for the EJSC (e.g. bridging partnerships). Ken to provide for December meeting.
- c. Ken will rephrase objective # 6m for the December meeting.

DRAFT EJ 2004 PERFORMANCE MEASURES

Discussion

- a. All Program Areas, third bullet: Change last sentence to, "Establish a protocol to establish some upfront funding to begin those projects with a match requirement."
- b. All Program Areas, fourth bullet: **Should read, "Establish a protocol for projects to receive reimbursement within 60 days."**

Next Steps

- a. EJSC members should review and expand proposed EJ 2004 Performance Measures.
- b. Performance measures will be brought back for discussion at next meeting.

DRAFT GOALS AND OBJECTIVES FOR CBDA PROGRAM ELEMENTS

Overview

A draft document was distributed as an initial start at identifying EJ goals and objectives for each of the eleven CBDA program element. Sorts out program elements v. sub-committees (which are not included here). The objective remain firm, as stated in the EJ Program Plan; the goals are specific and actionable.

The desire it to assign responsibilities during the current meeting, and to establish an initial timeline, to move this item forward. Each assignment involves taking a specific program element and giving the EJ goals a thorough assessment. Program managers need to know we're doing this. EJSC members will need to network with program managers to assure that goals are workable. The EJ goals then need to be presented at the sub-committee and program level. This involves getting on the agenda.

Representatives of the respective program elements would make the subsequent presentation to the BDA or BDPAC. This would show integration of EJ interests with the program elements. It's anticipated that presentations might start as early as February.

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Ken noted that text was added to the overall goal, restating the Implementation Principle and making consistent with language in the EJ Program Plan. Funding for the EJ aspects would initially be provided by the program elements.

Discussion

Comment: It's not clear how CBDA and BDPAC mesh together.

<u>Response:</u> The CBDA provides the governance authority. The protocol is for sub-committees to be responsible for joint fact-finding and information gathering related to program recommendations. The BDPAC develops the program recommendations and presents them to the CBDA. The CBDA acts on recommendations from the programs.

<u>Comment:</u> The Program is an island of tranquility in this period of change; we should strike while the iron is hot. (Patrick Wright and Paula Daniels comments to Ken)

<u>Comment:</u> Integration among program elements and integration from among stakeholders would be through the BDPAC. Not all BDPAC members are on sub-committees. An alternate approach would be a staff recommendation from the program.

<u>Comment:</u> The work we need to do, will take place regardless. Task out the work now and decide about presentation in January.

Next Steps

- a. EJSC members will:
 - 1. review, edit and expand the goals for the appropriate program element(s);
 - 2. talk to program managers and leads to discuss their comfort with the performance measures;
 - 3. carry the ideas to the programs and discuss with co-chairs, staff and program managers;
 - 4. make presentations to the appropriate programs and sub-committees by February.
- b. EJSC members will provide an initial report back at the January 9th EJ meeting.
- c. Staff support will be provided in this effort.
- d. Responsibilities for connecting with the CBDA programs are as follows
 - □ Conveyance: Michiyo Sakamoto
 - □ Drinking Water Quality: Martha Guzman
 - Ecosystem Restoration: Alisha Deen and Henry Clark
 - □ Environmental Water Account: Michael Warburton and Linda Cole
 - □ Levee System Integrity: (not currently assigned)
 - □ Science: Lauren Buffaloe
 - □ Storage: Michiyo Sakamoto
 - □ Water Management: (not currently assigned)

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- □ Water Transfers: Michael Warburton and Linda Cole
- □ Water Use Efficiency: Ken Trott
- □ Watershed Management: Alisha Deen
- Oversight and Coordination: Ken McGhee and Irenia Quitiquit (pending)

<u>Comment:</u> It might be helpful to look at existing program language regarding EJ in sub-committees.

MEMBERSHIP

Overview

A proposal was introduced to change from open membership to a formal membership structure. The size of the EJSC would range somewhere between 20-30 members. Regional representation is an important element, there would be 3-5 members and an agency representative for each of the following regions:

- San Francisco Bay
- San Joaquin
- the Delta
- Southern California
- Sacramento Valley

The proposal also calls for the selection of State and Federal agency leads. It was suggested that US EPA be considered for the role of Federal agency lead.

Discussion and Next Steps

- □ TRAVEL STIPENDS: **Look to provide travel re-imbursement.** However, reimbursement cannot be guaranteed at this time that should be clearly explained to those who are interested in membership.
- □ ATTENDANCE REQUIREMENTS: Look to BDPAC charter provisions.
- □ MEMBERSHIP:
 - a. Current members can recommend themselves for membership.
 - b. Use the Cal EPA EJ model and allow for members and alternates.
 - c. EJSC needs tribal representation.
- □ CHARTER STATUS:
 - a. Explain original operating procedures to highlight the changes.

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- b. **Compare language for decision-making** with that adopted by BDPAC regarding consensus and collaboration.
- c. This supplements operating procedures, **BDPAC** will need to approve revised operational procedures.
- d. Bring back the revised charter for adoption at the next meeting.
- e. Identify timeline and steps for initiating the new membership format.

Annual report that was already prepared for this year, should run by the committee what will be included in the annual report for EJ. Didn't track.

Action item: add to Program Plan to track when draft Annual report is prepared.

CALENDAR

- Nov. 18¹ EPA's draft report on the environment released Bay-Delta finance plan
- Nov. 20 Environmental Restoration Program, Science Board meeting, in the Bay Room
- Nov. 21: Watershed sub-committee meeting, 10 am 2 pm Drinking Water sub-committee conference call, 2 – 4 pm
- Dec. 5: Delta Levee Habitat subcommittee meeting, 9 11 am, in the Resources Building
- Dec. 11: Joint meeting of the CBDA and BDPAC, 9 am 5 pm, Sheraton Sacramento
- Dec. 18: California Watershed Council meeting: Budget / Education and Outreach workgroups.
- Jan 9: Next EJSC meeting

February 2004: Next joint CBDA – BDPAC meeting.

ATTENDANCE

Buffaloe, Lauren: CBDA science program

Chapel, Mike: US Forest Service

Clark, Henry: West County Toxics Coalition, California EPA EJ committee

Cole, Linda

Deen, Alisha: EJ Coalition for Water

Guzman, Martha: EJSC Co-Chair; EJ Coalition for Water

Jacobsen, Peter: Metropolitan Water District

Jones, Samira: California Department of Health Services, Environmental Health Investigations Branch

Laychak, Eugenia: CBDA adviser for BDPAC

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Maco, Barbara: EPA Region 9, EJ coordinator

McGhee, Ken: CBDA EJSC coordinator Merrifield, Ernie: Round Valley Reservation

Ohlson, John

Michiyo Sakamoto: DWR, Dept. of Planning and Local Assistance; EJ coordinator for surface storage

programs

Ken Trott: BDPAC, Working Landscapes sub-committee

Michael Warburton: Public Trust Alliance, EJ Coalition for Water.

Dan Wermeil: CBDA

Talbot, Judie: note-taker